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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/594,322 | 06/15/2000 | Antonio Nevarez | 9049.00 | 8854 |

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EXAMINER

BACKER, FIRMIN

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3621

DATE MAILED: 04/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/594,322

Applicant(s)

NEVAREZ, ANTONIO

Examiner

Firmin Backer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Response to Amendment

This is in response to an amendment file on November 22nd, 2004. In the amendment, claims 1, 18, 25 and 26 have been amended, claim 12 has been canceled, and no claim has been added. Claims 1-11 and 13-26 remain pending in the letter.

Response to Arguments

1. Applicant's arguments with respect to claims 1-11 and 13-26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takashahi et al (U.S. PG Pub No. 2002/009581) in view of Choy (U.S. Patent No. 6,141,754) in further view of Ogilvie (U.S. PG Pub No. 2005/0038740).

4. As per claim 1, 25 and 26, Takashahi et al teaches a method for use in improving profitability of one or more business entities (*see abstract, paragraphs 0008*), comprising receiving business-related data from at least two unrelated business entities wherein the data

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describes on or more aspects of the operation of each of the business entity (*see abstract, paragraphs 0008*), storing at least some of the data from each of the business entities in a common database (*see abstract, paragraphs 0008, 0034, 0037*). Takashahi et al fails to teach an inventive concept that is in accordance with the terms of an agreement among the business entities, allowing at least one of the business entities to receive information gathered from the common database. However, Choy teaches inventive concept that is in accordance with the terms of an agreement among the business entities, allowing at least one of the business entities to receive information gathered from the common database (*see abstract, fig 1, 7 lines 5-67*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Takashahi et al inventive concept to include Choy's inventive concept that is in accordance with the terms of an agreement among the business entities, allowing at least one of the business entities to receive information gathered from the common database because this would have protected information entity based on the protection specification and the access control manager, and checks whether the requested access meets conditions determined based on the protection specification and enforced by the enhanced access control manager. The combination of Takashahi et al and Choy fail to teach an inventive concept of where the information includes data describing some aspect of a business relationship between at least one of the business entities and another entity that is not party to the agreement. However, Ogilvie teaches an inventive concept of where the information includes data describing some aspect of a business relationship between at least one of the business entities and another entity that is not party to the agreement (*see claim 1*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inventive combination of

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Takashahi et al and Choy to include Ogilvie inventive concept of where the information includes data describing some aspect of a business relationship between at least one of the business entities and another entity that is not party to the agreement because this would have provide greater flexibility of the system.

5. As per claim 2, Takashahi et al teaches a method where allowing one of the business entities to receive information gathered from the common database includes gathering at least some of the information from data received from a business entity other than the one receiving the information (*see paragraphs 0008, 0034*).

6. As per claim 3, Takashahi et al teaches a method where allowing one of the business entities to receive information gathered from the common database includes granting that business entity permission to gather the information directly from the common database (*see paragraph 0046, 0049*).

7. As per claim 4, Takashahi et al teaches a method where allowing one of the business entities to receive information gathered from the common database includes gathering the information on behalf of that business entity and then delivering the information to the business entity (*see paragraph 0046, 0049*).

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8. As per claim 5, Takashahi et al teaches a method where storing data in the common database includes storing the data in a database maintained by an entity in the business of providing data warehousing services (*see abstract, paragraphs 0008*).

9. As per claim 6, Takashahi et al teaches a method further comprising granting unrestricted access to the common database only to a third party named in the agreement among the business entities (*see abstract, paragraphs 0008*)

10. As per claim 7-9, Takashahi et al teaches a method where storing data in the common database includes storing the data in a scalable data warehouse having a total capacity of at least approximately one terabyte to hundreds of terabytes (*see paragraphs 0047*).

11. As per claim 10-13, Takashahi et al teaches a method where receiving business-related data includes receiving data that describes the customers, the products offered, business operations or a combination of consumer data, product data, and operations data (*see paragraph 0046, 0047, 0049*).

12. As per claim 14, Takashahi et al teaches a method where receiving business-related data includes occasionally receiving new data from the business entities (*see abstract, paragraphs 0008*).

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13. As per claim 15, 16, Takashahi et al teaches a method where receiving business-related data includes receiving data that is also stored in a private data warehouse maintained by one of the business entities and on behalf of one of the business entities under a data-warehouse services agreement (*see paragraph 0046, 0049*).

14. As per claim 17, Takashahi et al teaches a method, further comprising negotiating the agreement among the business entities in the group (*see abstract, paragraphs 0008, 0034, 0037*).

15. As per claim 18, Takashahi et al teaches a method use in operating a consortium among a number of distinct business entities (*see abstract, paragraphs 0008*), the method comprising collecting business-related data gathered by the unrelated business entities wherein the data describes on or more aspects of the operation of each of the business entity and delivering at least some of the extracted information to each of the business entities in the consortium (*see paragraph 0046, 0049*). Takashahi et al fails to teach negotiating an agreement among the entities for pooling the collected data in a shared data warehouse, extracting information from the pooled data in accordance with terms of the negotiated agreement. However Choy teaches negotiating an agreement among the entities for pooling the collected data in a shared data warehouse, extracting information from the pooled data in accordance with terms of the negotiated agreement (*see col. 7 line 5-67*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Takashahi et al's inventive concept to include Choy negotiating an agreement among the entities for pooling the collected data in a shared data warehouse, extracting information from the pooled data in accordance with

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terms of the negotiated agreement because this would have protected information entity based on the protection specification and the access control manager, and checks whether the requested access meets conditions determined based on the protection specification and enforced by the enhanced access control manager. The combination of Takashahi et al and Choy fail to teach an inventive concept of where the information includes data describing some aspect of a business relationship between at least one of the business entities and another entity that is not party to the agreement. However, Ogilvie teaches an inventive concept of where the information includes data describing some aspect of a business relationship between at least one of the business entities and another entity that is not party to the agreement (*see claim 1*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inventive combination of Takashahi et al and Choy to include Ogilvie inventive concept of where the information includes data describing some aspect of a business relationship between at least one of the business entities and another entity that is not party to the agreement because this would have provide greater flexibility of the system.

16. As per claim 19, 20, Takashahi et al teaches a method where collecting data includes pooling the data into a data warehousing system owned by a third party who does not contribute any of the pooled data but in the business of providing data warehousing services (*see paragraph 0046, 0049*).

17. As per claim 21-24, Takashahi et al teaches a method where negotiating the agreement includes drafting the agreement to include terms governing the types of data to be placed in the

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shared data warehouse, access to the shared data warehouse, the types of information that can be extracted from the shared data warehouse, providing for payment of money in exchange for services provided by a third party selected to maintain the shared data (*see paragraph 0046, 0049*).

Conclusion

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

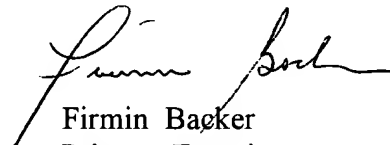
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Firmin Baeker', is written over a horizontal line.

Firmin Baeker
Primary Examiner
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March 17, 2005